

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ATLANTIS INFORMATION  
TECHNOLOGY, GmbH,

Plaintiff,

v.

CA, INC.

Defendants.

Civil Action No.  
06-CV-3921 (JS-WDW)

**DECLARATION OF MICHAEL D. SCHISSEL IN OPPOSITION  
TO PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
DISMISSING DEFENDANT'S COUNTERCLAIM AND  
AFFIRMATIVE DEFENSE FOR BREACH OF CONTRACT**

I, MICHAEL D. SCHISSEL, declare under penalty of perjury:

1. I am a member of Arnold & Porter LLP, attorneys for defendant CA, Inc. ("CA") in the above-captioned action. This declaration is respectfully submitted in support of CA's Opposition to Plaintiff's Motion for Summary Judgment Dismissing Defendant's Affirmative Defense and Counterclaim for Breach of Contract.

2. Attached as Exhibit A is a true and correct copy of excerpted pages of the deposition of John Dueckman, taken December 17, 2009.

3. Attached as Exhibit B is a true and correct copy of the Star Report. This document was produced by CA in the present litigation and bears Bates number CA00057482. As this is a voluminous document, it is being provided on a disc.

4. Attached as Exhibit C is a true and correct copy of Treetips, a publication of Treehouse Software, dated May 2000. This document was obtained from Treehouse Software Incorporated's website located at <http://www.treehouse.com> (last visited September 16, 2010).

5. Attached as Exhibit D is a true and correct copy of a series of e-mails between Alexander Gaugler and Todd Williams, dated June 3, 1998. This document was produced by Atlantis in the present litigation and bears Bates number A 004354.

6. Attached as Exhibit E is a true and correct copy of an e-mail from Randall Woo to Alexander Gaugler and others, dated September 23, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 006808 - A 006809.

7. Attached as Exhibit F is a true and correct copy of an e-mail from Alexander Gaugler to Mr. [Joseph] Stein, dated July 1, 1997. This document was produced by Atlantis in the present litigation and bears Bates number A000111320.

8. Attached as Exhibit G is a true and correct copy of an e-mail exchange between Winifred Moy and Alexander Gaugler, dated June 5-6, 1997. This document was produced by Atlantis in the present litigation and bears Bates number A 001301.

9. Attached as Exhibit H is a true and correct copy of a series of e-mails between Alexander Gaugler, Timothy Beditz, and others, dated June 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001507 - A 001509.

10. Attached as Exhibit I is a true and correct copy of a series of e-mails between Alexander Gaugler and Timothy Beditz, dated July 2, 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001519 - A 001520.

11. Attached as Exhibit J is a true and correct copy of a series of e-mails between Alexander Gaugler, Oliver Sims, III, and others, dated August 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001712 - A 001717.

12. Attached as Exhibit K is a true and correct copy of the CA-Product Flash, dated September 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001807 - A 001810.

13. Attached as Exhibit L is a true and correct copy of a series of e-mails between Alexander Gaugler, Timothy Beditz, and Barry Greene, dated September 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001896 - A 001899.

14. Attached as Exhibit M is a true and correct copy of a series of e-mails between Alexander Gaugler, Thomas O'Neill, and others, dated November and December 1999. This document was produced by CA in the present litigation and bears Bates numbers CA00029200 - CA00029206.

15. Attached as Exhibit N is a true and correct copy of a series of e-mails between Alexander Gaugler, Craig Fontaine, and Thomas O'Neill, dated June 19-20, 2000. This document was produced by CA in the present litigation and bears Bates numbers CA00029128 - CA00029129.

16. Attached as Exhibit O is a true and correct copy of a series of e-mails between John Dueckman, Alexander Gaugler, Jon-Luc Senior, and others, dated May and June 2003. This document was produced by Atlantis in the present litigation and bears Bates numbers A 012953 - A 012954.

17. Attached as Exhibit P is a true and correct copy of instructions for the E/NAT Version 2.1.0 Demo Disk, dated March 7, 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A000110819 - A000110820.

18. Attached as Exhibit Q is a true and correct copy of a memorandum from Atlantis GmbH E/NAT Product Support to All E/NAT 2.2.0 Beta Testers and CA-Endevor Support, dated August 21, 1998. This document was produced by Atlantis in the present litigation and bears Bates numbers A000101548 - A000101549.

19. Attached as Exhibit R is a true and correct copy of Atlantis GmbH E/NAT Product Support to All E/NAT 2.2.0 Beta Testers and CA-Endevor Support, dated September 1, 1998. This document was produced by Atlantis in the present litigation and bears Bates numbers A000101550 - A000101551.

20. Attached as Exhibit S is a true and correct copy of an Installation Manual for E/NAT Interface, Interface for CA-Endevor and NATURAL/PREDICT, Version 2.2.1, dated November 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A000113132 - A000113158.

21. Attached as Exhibit T is a true and correct copy of an Installation Manual for E/NAT Interface, Interface for CA-Endevor and NATURAL/PREDICT, Version 2.2.2, dated January 2007. This document was produced by Atlantis in the present litigation and bears Bates numbers A000113105 - A000113131.

22. Attached as Exhibit U is a true and correct copy of series of e-mails between Peter Greissl, Alexander Gaugler, Peter McCullough, and Teresa Donavan dated November 1999 through January 2000. This document was produced by Atlantis in the present litigation and bears Bates numbers A000065734 - A000065738.

23. Attached as Exhibit V is a true and correct copy of an e-mail exchange between Teresa Donavan, Alexander Gaugler, and others dated April 21, 2000, and May 11, 2000. This document was produced by Atlantis in the present litigation and bears Bates number A 007785.

24. Attached as Exhibit W is a true and correct copy of a series of e-mails between Teresa Donavan and Alexander Gaugler dated July 20-21, 2000. This document was produced by Atlantis in the present litigation and bears Bates numbers A 008238 - A 008241.

25. Attached as Exhibit X is a true and correct copy of a series of e-mails between Peter McCullough, Alexander Gaugler and others dated September 26-27, 2000. This document was produced by Atlantis in the present litigation and bears Bates numbers A 008457 - A 008459.

26. Attached as Exhibit Y is a true and correct copy of a series of e-mails between John Dueckman and Alexander Gaugler, dated April 9, 2001. This document was produced by Atlantis in the present litigation and bears Bates numbers A 009006 - A 009008.

27. Attached as Exhibit Z is a true and correct copy of a series of e-mails between Mirian Sato and Alexander Gaugler, dated June 11, 2010, through June 22, 2010. This document was produced by Atlantis in the present litigation and bears Bates numbers A 011163 - A 011173.

28. Attached as Exhibit AA is a true and correct copy of an e-mail exchange between Peter McCullough, Alexander Gaugler, and others dated November 11, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 007140 - A 007141.

29. Attached as Exhibit BB is a true and correct copy of a series of e-mails between Mirian Sato, Alexander Sato, and others, dated June 11-13, 2002. This document was produced by Atlantis in the present litigation and bears Bates numbers A 011092 - A 011095.

30. Attached as Exhibit CC is a true and correct copy of a series of e-mails between Alexander Gaugler and Meir Zohan, dated September 18-29, 2003. This document was produced by Atlantis in the present litigation and bears Bates numbers A 013883 - A 013886.

31. Attached as Exhibit DD is a true and correct copy of a chart titled "E/NAT 1.2, 2.1 and 2.2 user C/E requests," dated December 28, 2007. This document was produced by Atlantis in the present litigation and bears Bates numbers A000101264 - A000101294.

32. Attached as Exhibit EE is a true and correct copy of a series of e-mails between Alexander Gaugler and Guillermo Perez, dated July 26, 1999, through August 18, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 006580 - A 006585.

33. Attached as Exhibit FF is a true and correct copy of a series of e-mails between Mirian Sato and Alexander Gaugler, dated June 11-13, 2002. This document was produced by Atlantis in the present litigation and bears Bates numbers A 011096 - A 011100.

34. Attached as Exhibit GG is a true and correct copy of a series of e-mails between Timothy Beditz, Alexander Gaugler, and others, dated July 3, 1997, and July 9, 1997. This document was produced by Atlantis in the present litigation and bears Bates numbers A 001525 - A 001526.

35. Attached as Exhibit HH is a true and correct copy of series of e-mails between Teresa Donovan and Alexander Gaugler, dated March 27, 1998. This document was produced by Atlantis in the present litigation and bears Bates numbers A 003568 - A 003569.

36. Attached as Exhibit II is a true and correct copy of a series of e-mails between Teresa Donovan, Alexander Gaugler, and others, dated June 28-29, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 006316 - A 006317.

37. Attached as Exhibit JJ is a true and correct copy of a series of e-mails between Alexander Gaugler and Steve Cannon, dated December 6-8, 1999. This document was produced by Atlantis in the present litigation and bears Bates numbers A 007336 - A 007337.

38. Attached as Exhibit KK is a true and correct copy of a series of e-mails between Alexander Gaugler and Peter McCullough, dated October 24, 2003. This document was produced by Atlantis in the present litigation and bears Bates numbers A 014010 - A 014012.

39. Attached as Exhibit LL is a true and correct copy of a series of e-mails between Alexander Gaugler and Steve Cannon, dated November 1-2, 2004, and November 23, 2005. This document was produced by Atlantis in the present litigation and bears Bates numbers A 017370 - A 017371.

40. Attached as Exhibit MM is a true and correct copy of a series of e-mails between Edward Glover and Alexander Gaugler, dated June 1, 2001, and March 15, 2002. This document was produced by Atlantis in the present litigation and bears Bates numbers A 010629 - A 010630.

41. Attached as Exhibit NN is a true and correct copy of an e-mail exchange between Alexander Gaugler and Mirian Sato, dated September 4, 2003. This document was produced by Atlantis in the present litigation and bears Bates number A 013727.

42. Attached as Exhibit OO is a true and correct copy of an e-mail exchange between Alexander Gaugler and Thomas P. O'Neill, dated September 15, 2003. This document was produced by Atlantis in the present litigation and bears Bates number A 013768.

43. Attached as Exhibit PP is a true and correct copy of an e-mail exchange between Alexander Gaugler and Barry Greene, dated October 2, 2003, and October 6, 2003. This

document was produced by Atlantis in the present litigation and bears Bates numbers A 013922 - A 013923.

44. Attached as Exhibit QQ is a true and correct copy of a series of emails between Alexander Gaugler and James McGarry dated November 6, 2003. This document was produced by Atlantis in the present litigation and bears Bates numbers A 014046 - A 014047.

45. Attached as Exhibit RR is a true and correct copy of a chart bearing Bates numbers CA0057716 - CA0057719.

46. Attached as Exhibit SS is a true and correct copy of CA's Form 10-K for fiscal year 2010. This document was obtained from CA's website located at <http://www.ca.com> (last visited September 17, 2010). As this is a voluminous document, it is being provided on a disc.

47. I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: New York, New York  
September 17, 2010

  
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Michael D. Schissel